

REMARKS

Claims 1, 5 and 10-15 are pending. Claims 1 and 5 have been amended. No new matter has been presented.

Claims 1, 5 and 10-13 are rejected under 35 USC 102(b) as being anticipated by Sugano, Japanese Patent No. 63136687A. This rejection is respectfully traversed.

Claims 1 and 5 have been amended to clarify that a shape of the marker is asymmetric with respect to a hypothetical line of the electrode pattern piece extending in a chip-width direction bisecting the overall length of the marker. Support for this amendment can be found in the specification at pg. 10, lines 2-5. As stated in the specification, the claimed semiconductor laser device can clearly distinguish a main surface of the chip for emitting laser light from the other surfaces on the basis of the geometrical features of the marker (see specification, pg. 10, lines 6-8).

Further, the Examiner considers that the claimed marker is represented in Sugano's Fig. by the 'C' space defined by the pattern of the electrode on the left or right side of the pattern. Applicants respectfully disagree. The Examiner assumes that the broken line in Fig. 1 which divides the electrodes is an actual line that appears on the device which would serve to separate the two areas the Examiner considers to be C's. However, this is an imaginary line and this area would not actually appear to be two C's, but rather would be one big continuous space, perhaps even forming two back-to-back E's which repeat. Regardless, the Examiner assumes something which is not a fact as a way to recreate the claimed invention. Applicants submit that Sugano does not teach or suggest the claimed markers.

In light of the foregoing, applicants request that this rejection be withdrawn.

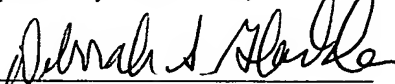
Claims 14-15 are rejected under 35 USC 103(a) as being unpatentable over Sugano, in view of Ohbuchi, U.S. Patent 6,611,542. This rejection is respectfully traversed.

Claims 14 and 15 are allowable at least due to their respective dependencies and further in view of Ohbuchi's failure to overcome the deficiencies of Sugano. Applicants request that this rejection be withdrawn.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing Attorney Docket No. 259052003300.

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